

Remarks

Claims 2, 4, 5, 10, 14, 16, 17, 20 to 22, 26 to 28, 30 to 32, 34, 55 and 56 as amended are present.

The Examiner has requested restriction to one of the following inventions:

I. Claims 2-5, 10, 14, 16-18, 20-22, 26-28, 30-32, 34 and 55-56 drawn to methods of using compounds of formula (I).

II. Claims 37, 39-40, 50 and 57-58 drawn to pharmaceutical combinations.

Applicants affirm their election of Group I, Claims 2-5, 10, 14, 16-18, 20-22, 26-28, 30-32, 34 and 55-56, species of Example 230.

The Examiner states that

“The following generic concept as depicted in claim 34 is identified for examination along with the elected embodiment: Q is C; A is O; Z is O; X is CH; Y is CO₂R⁴, wherein R⁴ is H or lower alkyl; R¹ is H or lower alkyl; R² is H or lower alkyl; R^{2a}, R^{2b}, R^{2c} each is H or lower alkyl; R³ is aryloxy carbonyl, alkyloxy carbonyl, alkynyloxy carbonyl, alkenyloxy carbonyl, alkoxyaryloxy carbonyl, arylalkyloxy carbonyl, alkylaryloxy carbonyl, alkynyloxy carbonyl; x is as defined, m is as defined and n is as defined.

The remaining subject matter of claims 2-5, 10, 14, 16-18, 20-22, 26-28, 30-32, 34, and 55-56 in their entirety stands withdrawn from further consideration under 37 CFR 1.142(b) as constituting other patentably distinct inventions.

The withdrawn subject matter of claims 2-5, 10, 14, 16-18, 20-22, 26-28, 30-32, 34, and 55-56 in their entirety is properly restricted as said subject matter differs in structure and element from the elected subject matter so as to be patentably distinct therefrom, i.e., a reference anticipating the elected subject matter would not render obvious the withdrawn subject matter and the fields of search are not co-extensive.”

Restricted claims have been cancelled and will be the subject of a divisional application.

Claims 2-5, 10, 14, 16-18, 20-22, 26-28, 30-32, 34, and 55-56 in their entirety are objected to as containing non-elected subject matter identified supra.

Claims 2, 4, 5, 10, 14, 16-17, 20-22, 26-28, 30-32, 34 and 55-56, the only claims present, have been amended to delete non-elected subject matter.

WO 98/00137 has been cited to show the state of the art. There is no disclosure or suggestion in WO 98/00137 of applicants' invention as claimed.

In view of the foregoing, it is believed that Claims 2, 4, 5, 10, 14, 16-17, 20-22, 26-28, 30-32, 34 and 55-56 are in condition for allowance.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Burton Rodney", written over a horizontal line.

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Date: *July 14, 2003*